

Notice of Allowability

Application No.

09/467,509

Examiner

Christian La Forgia

Applicant(s)

HECHT ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/7/05.
2. ☒ The allowed claim(s) is/are 1,3,6-10,12,13,15,18-21,23,25-30, and 32-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


AYAZ SHEIKH

SUPERVISORY PATENT EXAMINER
U.S. PATENT AND TRADEMARK OFFICE

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Curtis on 16 September 2005.

The application has been amended as follows:

Claim 1: A record for marking encoded information comprising:

a marking medium;

first marks on said marking medium having a covert code characteristic, said first marks conveying a covertly marked code; said covert code characteristic including a feature of the covertly marked code that is visually undetectable by a human; and

second marks on said medium that convey an overtly marked code; said overtly marked code, when decoded, producing data for use in decoding said covertly marked code, wherein said second marks have an overt code characteristic indicating a feature of the overtly marked code that is visually detectable by a human as a state of a self-clocking glyph code.

Claim 2: (Cancelled)

Claims 12: A method for marking encoded information on a marking medium comprising the steps of:

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placing first marks on said medium having a covert code characteristic, said first marks conveying a covertly marked code; said covert code characteristic including a feature of the covertly marked code that is visually undetectable by a human; and

placing second marks on said medium adapted to convey an overtly marked code; said overtly marked code, when decoded, producing data for use in decoding said covertly marked code, wherein second marks have an overt code characteristic indicating a feature of the overtly marked code that is visually detectable by a human as a state of a self-clocking glyph code.

Claim 14: (Cancelled)

Claim 15: A method of claim [[14]] 12, wherein said covert code characteristic is a chemical taggant.

Claim 31: (Cancelled)

Allowable Subject Matter

Claims 1, 3, 6-10, 12, 13, 15, 18-21, 23, 25 -30, and 32-40 are allowed.

The following is an examiner's statement of reasons for allowance:

As per claims 1, 3, 6-10, 12, 13, 15, 18-21, 23, 25 -30, and 32-40, it is well known in the art for placing first marks on said medium having a covert code characteristic, said first marks conveying a covertly marked code; said covert code characteristic including a feature of the covertly marked code that is visually undetectable by a human; and placing second marks on said

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medium adapted to convey an overtly marked code; said overtly marked code, when decoded, producing data for use in decoding said covertly marked code, in at least the watermarking arts.

There are no teachings in the prior art performing the steps above where the marked code is a state of self-clocking glyph code. Since no teachings or motivation can be found using self-clock glyph codes for placing first marks on said medium having a covert code characteristic, said first marks conveying a covertly marked code; said covert code characteristic including a feature of the covertly marked code that is visually undetectable by a human; and placing second marks on said medium adapted to convey an overtly marked code; said overtly marked code, when decoded, producing data for use in decoding said covertly marked code, claims 1, 3, 6-10, 12, 13, 15, 18-21, 23, 25 -30, and 32-40 are therefore novel and non-obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

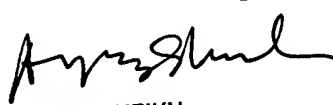
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian LaForgia
Patent Examiner
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clf


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